

FILED

MAR 16 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAUL QUINTERO,

Defendant.

No. ~~CR~~ 4-11-70243-MAG (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Saul Quintero is charged in a criminal complaint with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326. On March 11, 2011, the United States moved for Mr. Quintero's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the March 16, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present

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1 information by proffer or otherwise), but he retained his right to raise any additional relevant
2 information at a later hearing. The Court notes that Defendant is subject to an immigration
3 detainer issued by Immigration and Customs Enforcement ("ICE").

4 After considering the limited information available to the Court, and the factors set forth
5 in 18 U.S.C. § 3142(g), the Court detains Mr. Quintero as a serious risk of flight and finds that
6 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
7 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
8 1403, 1406 (9th Cir. 1985).

9 II. CONCLUSION

10 The Court detains Mr. Quintero as a serious flight risk. Because Defendant waived his
11 right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
12 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's
13 request at any future time.

14 Mr. Quintero shall remain committed to the custody of the Attorney General.

15 IT IS SO ORDERED.

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18 DATED: March 16, 2011



DONNA M. RYU
United States Magistrate Judge